

***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-112  
JANUARY 28, 1998***

***Administration and Operations***

***POLICY FOR INTERAGENCY AGREEMENTS AND MOAs OR MOUs***

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**OPR:** F/ (R. Schmitten)

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***SUMMARY OF REVISIONS:***



JAN 28 1998

MEMORANDUM FOR: Regional Administrators, Science and Office Directors

FROM: *for* Rolland A. Schmitten *David H. Evans*

SUBJECT: FINAL Policy and Procedures for Interagency  
Agreements and Memoranda of Agreement or  
Understanding

Last August we forwarded draft policies and procedures for Interagency Agreements and Memoranda of Agreement or Understanding (MOA/U) to the Inspector General (IG) and the Office of General Counsel (OGC) for their review and clearance. My staff drafted this guidance in response to recommendations made in the IG report STL-6528-5-0001/May 1995, "NMFS Cost Recovery for Sponsored Research Needs Improvement." In addition to their clearance, we asked the OGC to establish a threshold for review of Interagency Agreements and MOA/Us, funded and unfunded.

In a memorandum dated September 18, 1997, the Inspector General cleared our guidance and commended NMFS for our efforts in strengthening management controls. However, the IG reminded that implementation of the new NMFS procedures would require periodic monitoring to ensure that the procedures are effectively used to prepare such agreements.

The OGC in a memorandum dated December 29, 1997, cleared our draft and agreed to waive review of the following NMFS agreements:

- o OGC will not review NMFS Economy Act agreements where less than \$100,000 is being transferred.
- o OGC will not review unfunded agreements with other **Federal** agencies which are for a period of five years or less. However, if personal property is being transferred or loaned under the unfunded agreement, OGC review must be obtained.



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THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



*F/SF.*

Such agreements will no longer require NMFS Headquarters review. However, copies of all signed agreements must be sent to the Director, F/OM, as soon as they are signed by all parties to the agreement.

Even though Economy Act agreements less than \$100,000 will no longer require OGC review, the responsible NMFS manager **must** ensure that each transaction is supported by file documentation stating that: (1) amounts are available; (2) the order is in the best interest of the United States Government; (3) the agency or unit to fill the order is able to provide the ordered goods or services; and (4) the goods or services cannot be provided as conveniently or cheaply by a commercial enterprise.

OGC clearance is still required for all agreements that are entered into pursuant to the Department's Joint Project Authority even though they may be agreements with other **Federal** agencies and regardless of funding. For such agreements, your staff should consult informally with attorneys within the General Law Division at (202)482-5391 at the earliest stages as well as on administrative law issues falling within that Division's area of expertise, such as the Freedom of Information Act and the Federal Advisory Committee Act.

We are pleased that the IG and the OGC have cleared our guidance and that a threshold has been approved. However, NMFS managers must monitor compliance with the requirements. Specific responsibilities of NMFS managers are set forth in the policy and include ensuring that: (1) appropriate staff understand the requirements; (2) job descriptions and performance plans clearly define the specific responsibilities of NMFS personnel involved in the process; and (3) internal management control procedures are maintained to ensure compliance with the policy guidance.

A copy of the policy is attached so that you may make distribution to all staff levels involved in this process. In the months to come, we intend to conduct training to cover the requirements contained in the guidance. We ask that you ensure appropriate staff members become familiar with the policy and that they contact Ms. JoAnna Grable or Ms. Mary Frye if they have any questions regarding the policies and procedures contained therein. They may be reached at (301)713-2245 or (301)713-2252, respectively.

Attachment

cc: Monica Medina  
Jay Johnson